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RJW Transport, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JRS USA, INC.

Plaintiff,

vs.

RJW TRANSPORT, INC., DOES I  
THROUGH V; AND ROE entities I  
through V, inclusive

Defendants.

CASE NO. 2:15-cv-00707-APG-CWH

**STIPULATION AND ORDER TO FILE AN AMENDED COMPLAINT**  
**AND**  
**ENLARGE TIME FOR DEFENDANT TO FILE A RESPONSE**

COME NOW the parties Plaintiff JRS USA, Inc. by and through its counsel of records, Janet Trost, Esq. and Defendant RJW Transport, Inc., by and through its counsel of record Michael C. Mills, Esq. of the law firm of Mills & Associates and hereby agree and stipulate that:

WHEREAS Defendant RJW Transport, Inc. is a motor carrier licensed by the Federal Motor Carrier Safety Administration and the U.S. Department of Transportation to operate in interstate commerce; and,

WHEREAS Defendant RJW Transport, Inc. is authorized to transport cargo "For Hire" in interstate commerce; and,

WHEREAS the Carmack Amendment to the Interstate Commerce Act provides the exclusive remedy for shippers to recover from interstate motor carriers for loss or damage to goods in transit; and,

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WHEREAS Plaintiff's Complaint alleges that it placed its goods in Defendant's control for shipment and thereafter the goods were lost; and,

WHEREAS Plaintiff's Complaint alleges Causes of Action for Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing and Negligence; and,

WHEREAS each of these causes of action is pre-empted under the Carmack Amendment; and,

WHEREAS Plaintiff's Complaint does not state a cause of action under the Carmack Amendment; and,

WHEREAS Plaintiff's Complaint was served on Defendant on April 6, 2015 and that an Answer to the Complaint is due on April 27, 2015;

THEREFORE, IT IS HEREBY STIPULATED that Plaintiff JRS USA, Inc. may have until May 26, 2015 to prepare and file an Amended Complaint alleging the Carmack Amendment as its sole Cause of Action; and

IT IS FURTHER STIPULATED that Defendant may have to and including 20 days from the filing of the Amended Complaint to Answer or otherwise plead to the Complaint.

Dated: April 24<sup>th</sup> 2015.

Dated: April 24<sup>th</sup> 2015.

JANET TROST LAW FIRM

MILLS & ASSOCIATES

/s/ Janet Trost

/s/ Michael C. Mills

JANET TROST, ESQ.  
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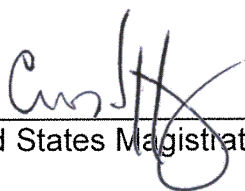
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**ORDER**

IT IS SO ORDERED.

DATED: April 27, 2015

  
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United States Magistrate Judge